

REMARKS

This application was filed with 17 claims. Claims 1-5, 14, 15 and 17 have been rejected. Claims 6-12 and 16 have been objected to. Claim 2 has been canceled. Claim 13 has been allowed. Claims 1, 3, 6, 7, 8, 10, 12, 14 and 16 have been amended and Claims 18 -21 have been added by amendment. Therefore, Claims 1 and 3 -21 are pending in the Application. Reconsideration of the application based on the remaining claims as amended and arguments submitted below is respectfully requested.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-5, 14, 15 and 17 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Balmer et al (5,199,486). Balmer teaches a horizontal tube array immersed in a liquid.

Independent Claim 1 has been amended to recite a limitation not taught by Balmer: "a finned heat exchange surface immersed in a moisture laden atmosphere." A finned heat exchange surface is recited in dependent Claim 3 and the moisture laden atmosphere is inherent in embodiment of the invention shown in Figure 4 of the application and on page 2 line 2 of the application. Thus, the rejection of Claim 1 under 35 U.S.C. § 102(b) should be withdrawn.

Dependent Claim 2 has been canceled. Claims 3 and 4, as originally filed and as amended, recites a heat transfer fin, a limitation not taught by Balmer. Claim 5, as

originally filed, recites a protective shell having a non-stick coating, also a limitation not taught by Balmer. Claims 3 – 5 also depend from independent Claim 1, which Applicant asserts is now patentable for the reasons stated above. Thus, the rejection of Claims 3-5 under 35 U.S.C. § 102(b) should be withdrawn.

Independent Claim 14 has been amended to recite a limitation not taught by Balmer: “providing a finned heat transfer tubing.” Thus, the rejection of Claim 14 under 35 U.S.C. § 102(b) should be withdrawn. Claims 15 and 17 depend from independent Claim 14, which Applicant asserts is now patentable for the reasons stated above. Thus, the rejection of Claims 15 and 17 under 35 U.S.C. § 102(b) should be withdrawn.

For the foregoing reasons, Applicant assert that the rejection of Claims 1, 3-5, 14, 15 and 17 under 35 U.S.C. § 102(b) should be withdrawn.

New Claims

Claims 18-21 have been added by amendment. Claim 18 is an independent claim and Claims 19-21 depend from Claim 18. Claim 18 more precisely claims of the current invention by reciting additional limitations regarding the interrelations of the non stick coating and the fluid transfer tubing arranged in an array as disclosed in Figure 4 of the application and on page 10 lines 14 and15 of the application. No new search is required.

Allowable Subject Matter

The Applicant thanks the Examiner for indicating that Claim 13 is allowed over the prior art of record.

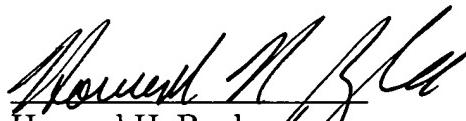
The Applicant also thanks the Examiner for indicating that Claims 6-12 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Claims 6, 8, 10, 12 and 16 have been amended as suggested by the Examiner and they are now in allowable form. Claims 7 and 9 depend from Claims 6 and 8 respectively and are allowable as depending from now allowable independent claims.

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions the Commissioner to extend the time for responding to the September 5, 2003, Office Action for 3 months from December 5, 2003, to March 5, 2004. Applicant encloses herewith a check in the amount of \$475 made payable to the Director of the USPTO for the petition fee.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,



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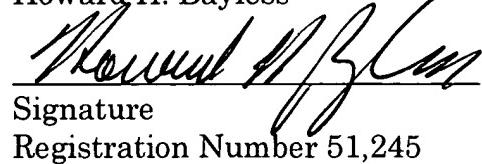
CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this Response and Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
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on March 5, 2004.

Howard H. Bayless



Signature
Registration Number 51,245

March 5, 2004
Date